App F IX 4

Previous References
L B 66-44 (1-2)
~ 73-40 (3 4)
mil Dept No 602-44

1944-45 (mun 1)

File No 164-45
Serial Nos /

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos one

Part B for Supply

SUBJECT

Office note from the Municipal Advocate
regarding the provisions of the Govt
orders, re Slaughter of cattle to be in-
Corporated in mun Byelaw

Filed

K 1

425/L & 419/L

From the President, Mysore City Municipal Council
M S- 119-455/44 d 10-7-45-

States that the Municipal Advocate is of the opinion that it is not necessary to incorporate the provisions of the martially-noted G.O. in regard to the prohibition of slaughter of cattle, the restriction on slaughter of Ewals, etc, in the Municipal Bye laws, as the G.O. have the force of rules which would be given effect to and adds that the Health Officer has been directed to take necessary action

1) ~~We are two~~ letters of the same date on the same subject

2) The orders noted in the margin relate to prohibiting the slaughter of cattle below the age of ten years, restriction regarding the slaughter of Ewals etc

*1) W 838-W 16-44-5 D 25-10-44
2) W 1191-1212) W 121-44-I 12-1-44
3) 1369-W 16-44- D 28-12-44
4) W 951-91-43-4 D 16-11-43
5) W 1370-W 91-438 D 15-12-43

3) The Municipal Advocate, Mysore, is of the opinion that the rules have been framed by the Govt under Section 81, Cl (2) of the Defence of India Act which is binding on all Local Bodies and that the proposed amendment of the Bye-laws is not necessary

4) The Law Section may perhaps be consulted

5) Pl put up copies of the notes referred to above copies can be had from the War Section -

6) The 3 G.O. copies received from the War Section is/put up Copies of the other G.O. are not available in the General Records Circle Shall put up

The President, Haymanjit Singh
the Maharaja, Bharatpur who requested
in D.O. No. L 8573-6 dt. 27-11-
to be informed that the Revenue orders
notified by the Govt. (copies subsequently
relating to the prohibition of slaughter
certain specified kinds of cattle & stock
Custer order may be incorporated in
the existing bylaws relating to the
regulation of slaughter houses in the M
limits.

In reply to this D.O., the President,
Haymanjit Singh has reported that
the M Advocate has expressed the opinion
that as these G.O's have the force of
law - under the Act, it is not necessary
to effect any change in the existing bylaws in
force in this M Ltg
the opinion of the Law section may
be obtained in the above view
that it is correct the matter
requires to be clarified as similar was
however issued to Dres of Distts &
Presidency Divn Boards also
instructions will have to be issued withdrawing
them that no action need be taken
for orders.

ADDITIONAL SECRETARY
No.

Serial No

2002 P 1945

To the Secretary Government Law dept. Law dept. 24/10/45

Subd.

1) The point for consideration is whether the bye-laws of the Mysore City Municipality relating to the slaughter House have to be amended in view of the Govt Notification prohibiting slaughter of cows etc – issued under powers in exercise of powers conferred by Rule 81(2) of the Defence of India Rules

2) Since the GOs are issued under the DIR, they appear to override the existing laws, so long as they are in force. The question of amending the existing bye-laws will even now perhaps become necessary, if the powers in the GO (under DIR) are sought to be retained after the withdrawal of the said emergency rules. The view taken by the learned Municipal Advocate (to "Q") appears to be correct

Submitted

Law Secretary 3 12/9/45

DV 14-9-45

3) Addl Secy / 3 14/9

NKH 3 9 45

NOTE—Contn Sheet.

File No of 194

General and Revenue Secretariat

Serial No

14) The Meat Control order has been withdrawn recently Pl find up a copy of the notification by which it will be carried effect to forthwith

for Secretary

15) A copy of the notification D 7-9-45 is put up

16) In view of the withdrawal of the Meat Control order, no action is called for.

ADDITIONAL SECRETARY No. D. GOVERNMENT OF MYSORE

Secretary

The Hon

28/9/

Pl keep these papers with the file in 2879 for reference

B

M 119-45/44

Encl (2)
From

Office of the President,
City Municipal Council, Mysore

Date 10th July 1945

GEN & R.Y SECRET PRINT
425-
13 JULY 1945
S G BRANCH

R Ramachandra Rao Bhombore, Esq B A,
President, City Municipal Council
MYSORE

To
The Hon'ble Mr. K. Narayanaswamy Naidu, Esq ,B A ,B L,
Legal Remembrancer and Secretary to Government
Law Department, Bangalore

Sir,

GM 164-45-1

Adverting to Government Circular No L 8593-6 dated 27th February 1945, directing to incorporate the provisions laid down in the marginally* noted Government Orders, in the Slaughter House byelaws of this Municipality I have the honour to state that the Municipal Advocate was consulted in the matter He opines that the said Government orders may be given effect to as they have force of rules under the Act, and it is not necessary to effect any any change in the byelaws The Municipal Council, considered this note in their meeting held on 30th June 1945, and approved it

1 W 838-W 16-44-5 dated 25th Oct 44	
2 W 1191-1212/W 121-44-4 dated 1st Dec 44	
3 W369-W 16-44 dated 28th Dec 44	

A copy of the Municipal Advocate's note dated 11th June 1945 and Council resolution No 1039 dated 30th June, 1945 are herein enclosed, for favour of information of Government In these circumstances the Health Officer Mysore City, has been requested to see that the provisions of the Government Orders, referred to above, are given effect to

I have the honour to be,
Sir,
Your most obedient servant,

R Ramachandra Rao Bhombore
PRESIDENT

SNR

Note dated 11th June 1945 from the Municipal Advocate, Mysore

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Under Section 228 Cl (1) of the Cities Municipalities Act, the Government have reserved the right to 'make rules or orders generally for the purpose of carrying into effect the provisions of the Act Under Cl (3) such a rule may be general for all Municipalities Any such ~~x~~rule or ~~xxx~~ order passed by the Government in exercise of the said power will have the force of Rules and binding on the Municipality, they will have to be given effect to and enforced The only condition to which such rules and orders are subjected is under Cl (4) that they shall have been published in the official gazette and they shall thereupon have the effect as if enacted under this Act The for-malities of previous publication and calling for the objections from the public which are made conditions precedent for Bye-laws to be framed by the Municipal Council are not necessary Such general orders having the due publication in the official gazette have to be given effect to by adopting and issuing the necessary instructions to the subordinate officers

Besides this order has been issued under the emergent circumstances and may be withdrawn or modified at any time by the Government considering the change of circumstances In case the order is incorporated in the Bye-laws at the time of its deletion or modification again all the formalities of publication and receiving of objections by the Municipality have to be observed

Hence I am of opinion that the present order of the Government has the force of rules under the Act and it has to be implemented by enforcing it and that no more changes in the Bye-laws are necessary

---

"COPY"

PRESIDENT

SNR

10/4/43

No M5-13-47/45 Encl 5

From

Office of the President
City Municipal Council Mysore
Date 10th July 1945

R Ramachandra Rao Bhombore, Esq B A
President, City Municipal Council,
MYSORE

GEN & PEV SECRETT
18 JULY 1945
LSG BRANCH

L S G To
SECY LAW DEPT
12 JULY 1945
GOVT OF MYSORE

C Narayanaswamy Naidu, Esq ,B A ,B L ,
Legal Remembrancer and Secretary to Government,
Law Department, Bangalore

Sir,

With reference to your letter No L 7513-5/M1 180-43-1 dated 24th January 1945, directing to take action to amend the slaughter house byelaws so as to incorporate the provisions of Government Notification Nos W 951-W 91-43-4 dated 16th ~~December~~ November and W 1370 W 91-43-8 dated 15/12/43 1943, prohibiting the slaughter of cattle below the age of ten years, I have the honour to state that the matter was referred to the Municipal Advocate for furnishing draft amendments to the byelaws In his note dated 11th June 1945, he has opined that the provisions contained in the said Government notifications have the force of rules under the Act and may be given effect to and no more changes in the byelaws are necessary The Municipal Council considered this note at their Ordinary General Meeting held on 30th June 1945, and concurred with the view expressed by the Municipal Advocate I have herein enclosed a copy of the note and the Council Resolution No 1038 dated 30th June 1945, for favour of information of Government Necessary instructions have been issued to the Health Office staff, in this behalf to give effect to the Government notifications

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT

SIR

Office note dated 11th June 1945 from the Municipal Advocate Mysore

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The rules have been framed by the Government under Section 81 Cl (2) of the Defence of India Act The Municipal Act is only a special Law whereas the Defence of India Act is a General Law of the Realm In the absence of any specific provision modifying the General Law in the special law the provisions of the General law are applicable and they are binding even on Institutions and Local Bodies The rules framed and issued by the Government are not inconsistent with the Bye-laws of our Municipality and even if inconsistent the extent to which it is inconsistent with General Law will be null and void The rules issued now by the Government imposing restriction regarding the slaughter of cows, buffaloes, etc , are binding and the Municipality has to enforce the same so long it stands in force Even under the new rules issued the Veterinary Inspectors attending to the said work are empowered to inspect and take action

Besides under Section 228 (1) of the Cities Municipalities Act the Government have reserved the right to "make rules or orders generally for the purpose of carrying into effect the provisions of the Act Under Cl 3 such a rule may be general for all Municipalities Any such rule or order passed by Government in exercise of the said power will have the force of rules and binding on the Municipality, they will have to be given effect to and enforced The only condition to which such Rules and orders are subjected is under Cl(4) that they shall have been published in the official Gazette and they shall thereupon have the effect as if enacted under this act The formalities of previous publication and calling for the objections from the public which are made conditions precedent for Bye-laws to be framed by the Municipal Council are not necessary Such General orders having the due publication in the official Gazette have to be given effect to by adopting and issuing the necessary instructions to the subordinate officers

Besides this order has been issued under the emergent circumstances and may be withdrawn or modified at any time by the Government considering the change of circumstances In case the order is incorporated in the Bye-laws, at the time of its deletion or modification again all the formalities of publication and receiving of objections by the Municipality have to be observed

Hence I am of opinion that the present order of the Government has the force of Rules under the Act and it has to be implemented by enforcing it and that no more changes in the Bye-laws are necessary

Sd M Shankariah,
Municipal Advocate

"COPY"

PRESIDENT

SNR

10/7/45

Proceedings of the Ordinary General meeting of the Mysore City Municipal Council held on Saturday the 30th June 1945 at 4-30 P M

PRESENT

1 R Ramachandra Rao Bhombore,Esq ,B A , President
2 T Venkataramaniah, Esq , Vice-President
3 M N Jois, Esq ,B A ,
4 A N Suryanarayana Rao, Esq ,
5 B Narayanaswamy, Esq ,B A ,B L ,
6 Agaram Rangiah, Esq ,
7. Srimathi Kaveri Bai
8 K S Satyanarayana Rao,Esq ,
9 G R Rangaswamiah, Esq ,
10 M V Venkataramiah, Esq ,
11 M S Nanjappa, Esq ,
12 G Janardan Naidu, Esq ,
13 M R C Basappa, Esq ,
14 L P Nanjappa, Esq ,
15 T S Chandrasekhara Gowda, Esq ,
16 V N Dasappa, Esq ,
17 Chowdiah, Esq ,
18 Patnam Srinivasa Setty, Esq ,
19 Dr A V Ranga Rao
20 K Siddiah, Esq ,

ABSENT

21 A Krishnamurthy Rao, Esq ,
22 P Sitharamiah, Esq ,B A ,B L ,
23 T Narasimha Iyengar, Esq ,B A ,B L ,
24 H Thammiah, Esq ,
25 T Mariappa, Esq ,B A ,LL B ,
26 U L Ramachandra Rao,Esq ,
27 F C Devaraj Urs, Esq ,
28 Mrs W H Theobald
29 T S Ali Khan, Esq ,
30 Mohamed Sait, Esq ,

1038 Municipal Advocate's note dated 11th June 1945 (with reference to letter No L 7513-5/M1 180-43-1 dated 24-1-44 from the Secretary to Government, Law Department) stating that the provisions of Government Notification Nos W 951 W 91-43-4 dated 16th November 1943 and W 1370-W 91-43-8 dated 15th Dec 1943, prohibiting the slaughter of cattle below the age of the ten years, may be given effect to and that is not necessary to amend the slaughter house byelaws in this behalf

Approved

Sd R Ramachandra Rao Bhombore,
President

"COPY"

PRESIDENT

SNR

10/7/45